IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 14138 of 2004(G)

PETITIONER:

V.N.ARUNAN, S/O. NARAYANAN,
VADAKKEDATH HOUSE, MARIAPALLY KARA,
NATTAKOM VILLAGE, KOTTAYAM.

BY ADV. SRI.P.RAVINDRA BABU.

RESPONDENT:

THE DISTRICT COLLECTOR, COLLECTORATE
POST, KOTTAYAM-1.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14138/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PASS FOR TRANSPORTATION OF THE QUARRY SAND DTD. 11/12/2003.

EXT.P.2: COPY OF THE JUDGMENT DTD. 23/01/2004 IN W.P.(C). 2703/2004 OF THIS HONOURABLE COURT.

EXT.P.3: COPY OF THE PROCEEDINGS OF THE RESPONDENT DTD. 02/02/2004.

EXT.P.4: COPY OF THE NOTICE DTD. 21/02/2004 SENT BY RESPONDENT TO THE PETITIONER.

EXT.P.5: COPY OF THE ORDER OF THE RESPONDENT DTD. 30/03/2004.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 14138 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

Challenge is on Exhibit P5 order passed by the District Collector, Kottayam. The order was passed imposing penalty to the tune of Rs. 73,000/- for the illegal transportation of river sand.

2. According to the petitioner, what was transported was not river sand. Learned Government Pleader submits that based on the report of the Geologist, action was taken. According to the petitioner, copy of the report was not given to him.

Petitioner may approach the respondent-District Collector, Kottayam along with a copy of this judgment, in which case, he shall be permitted to peruse the report of the Geologist and thereafter, if required, appropriate orders will be passed by the District Collector. The fate of the Bank guarantee executed by the petitioner will depend on the action thus taken by the District Collector. Petitioner shall approach the respondent within a period of two months from today, if not, this writ petition will stand dismissed.

KURIAN JOSEPH, JUDGE.

smp